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Human rights situations that require the Council's attention

Joint written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, Odhikar - Coalition for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Bangladesh: UN rights mechanisms need reshaping to address extrajudicial executions

1. The Asian Legal Resource Centre (ALRC) and Odhikar request the UN Human Rights Council to consider amending the human rights mechanisms so that the entrenched problems of extrajudicial executions can be addressed. The ALRC makes this request on the basis of experience working on extrajudicial executions in Bangladesh, where no judicial or administrative remedies are accessible for such crimes.

2. Extrajudicial executions in Bangladesh have been gradually institutionalised in the last decade or so. Since the creation of the Rapid Action Battalion (RAB) in 2004, human rights groups have documented hundreds of cases of such arbitrary deprivation of life by agents of the state.

3. First, the so-called "wanted criminals" began to be executed under the pretext of "crossfire". Then, the government started eliminating the so-called "underground leftist political activists". Later, political and other parties started hiring law-enforcement agencies for their "skills" to assassinate their rivals. And, now, the government uses extrajudicial executions against the opposition to weaken political counterparts[1].

4. Innocent schoolboys, petty businessmen, trade unionists, showbiz personalities, and political activists have all become victim to the spree of extrajudicial executions in Bangladesh. Today, hundreds of such human lives cut short in this way, survive only in unofficial lists or academic statistics of victims. Their families have been psychologically, socially, and economically devastated. No healing process has ever been initiated for the families of these victims. And, the ignominy is that law-enforcement agencies brand their murdered relative a "criminal"; social stigma joins grief as a part of their lives. Schooling and socio-economic opportunities shrink.

5. The prevailing culture of impunity, coupled with incapability of the criminal justice institutions, has only guaranteed injustice to the victims and their families. The entire Judiciary is tuned and tamed to the extent that it behaves the way the incumbent government wishes. As a result, in the last decade, while such crimes have flowered, there is not even a single record of a successful prosecution against any extrajudicial executioner, all members of Bangladesh's law-enforcement agencies.

6. The Government of Bangladesh is consistently promoting extrajudicial executions, as the ALRC reported to the Council in the 28th Regular Session. At the same time, the authorities are denying the aggrieved families access to the complaints mechanisms, through constant threat and intimidation. And, the representatives of the government are routinely misleading the international community about the grave realities on the ground. Being a member or not being a member of the Human Rights Council is of no consequence to the Government of Bangladesh; consistently, false and misleading information has been provided to the Council.

7. Despite the sincerity of the UN Human Rights Council, the entire human rights mechanisms at its disposal have not been able to address the problem that has mushroomed in the last several years. Substantial knowledge has already been acquired, in terms of thematic and theoretical aspects. However, the existing knowledge itself does not save people's lives from extrajudicial executions; it also does not help in victim's families get justice; it does not serve as a deterrent to the state to stop executing citizens extrajudicially. Most of this knowledge does not reach the families to help them with the psychosocial trauma repeatedly experienced on the ground. Regrettably, the right to life of innumerable persons remains at the mercy of coercive forces in numerous jurisdictions in Bangladesh and across the world.

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[1] Asian Human Rights Commission's Statement titled "Chains of Corruption Strangle the Nation" exposes how the officers of the Rapid Action Battalion were hired for killing seven people including a senior lawyer of Narayangang district. The Statement can be accessed here: http://www.humanrights.asia/news/ahrc-news/AHRC-STM-085-2014

8. One of the main reasons behind the absence of protection from gross human rights violations is the absence of competent criminal justice institutions. Hundreds of victims do not get access to the public justice system in Bangladesh, due to ongoing intimidation, threat, and further persecution. The Judiciary itself does not prove that it is there to administer justice when extrajudicial executions are committed by law-enforcement agencies.

9. The UN human rights mechanisms require reshaping to meet the needs of victims for the purpose of protecting their rights. The ALRC and Odhikar urge the Human Rights Council to take the leading role in initiating reforms of criminal justice institutions. The public justice system should be capable of upholding the UN human rights standards. The reforms of the justice institutions should result in enabling the people to trust the system; they should find it useful, efficient, and affordable.